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REMARKS

1. Applicant thanks the Examiner for the Examiner's comments which have greatly assisted Applicant in responding.

2. **35 U.S.C. §103**

Claims 1-30 stand rejected under 35 USC §103(a) as being unpatentable over Prezioso (US 5,577,169) in view of Edgar Signs Measure to Overhaul Medicaid in Illinois welfare Recipients would get Managed Health Care (Dialog file 494: 07708106).

Applicant respectfully traverses. Applicant incorporates herein the arguments, discussions, and definitions from previous responses.

As Applicant pointed out in previous responses Prezioso is only concerned with a target, such as a physician, and objects that interact with it, such as a client. For example, as Applicant has previously pointed out, Prezioso's physician data and client data does not contain data on other providers that the client may have visited.

The Edgar reference relied on by the Examiner appears to be a press release and the relevant part relied on by the Examiner (paragraph 11) discloses only that each Medicaid patient gets a plastic card that will be scanned by a computer every time the patient seeks medical treatment or a prescription and that the computer detect patients who visit multiple doctors, often on the same day, to get prescriptions for drugs that are then sold on the streets. The Edgar reference is completely silent on any apparatus configurations or method steps. The Edgar reference itself is not enabling.

The claimed invention provides a clear and enabling method and apparatus that enable understanding complex interactions between different entities because the method and apparatus captures the rich interactions between entities (Specification page 5, lines 5-13.) The unique and nonobvious claimed invention includes steps where a profile process is applied to transaction data each time to derive a target entity profile dataset, a profile dataset of a second and different entity, a profile dataset for the target entity and second and different entity pair. Then, an enhance process is applied to the profile dataset of the second and different entity and is applied to the profile dataset of the second and different entity to merge the records from these datasets to result in an

enhanced dataset of the target entity and second and different entity pair. Finally, variables in the topmost target dataset and the enhanced dataset of the target entity and second and different entity pair are merged with respect to the target and then rolled up across all second and different entities to produce an enhanced target profile dataset. (cf. Specification page 17, line 30 through page 18, line 25, and Fig. 5.)

Applicant has amended the independent Claims to further clarify the invention. Support can be found in the independent Claims, respectively, as well as Fig. 5 and the accompanying text, part of which is shown hereinabove. Applicant submits that no new matter is added.

Applicant has studied the cited references, and in particular, the parts relied on by the Examiner. Applicant has found that the cited references, alone or in combination, are silent on and do not fairly suggest the limitations recited in the Claims.

According to MPEP 2143 Basic Requirements of a *Prima Facie* Case of Obviousness:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In view of the discussion hereinabove, Applicant has demonstrated that the prior art references alone or in combination do not teach or suggest all the claim limitations. It follows that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, because the references are silent on the limitations. It follows that there cannot be any reasonable expectation of success, because of the silence of the references on the limitations of the claimed invention. Accordingly, a *prima facie* case of obviousness was not established because the three basic criteria were not met.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to Claims 1-30 under 35 U.S.C. §103(a).

3. **35 U.S.C. §102**

Claims 31-46 stand rejected under 35 U.S.C. §102(b) as being anticipated by Prezioso (US 5,577,169).

Applicant respectfully traverses. Applicant incorporates the discussion hereinabove.

Applicant has amended the independent Claims to further clarify the invention.

In addition, Applicant respectfully points out the according to MPEP 2131 Anticipation - Application of 35 U.S.C. 102(a), (b), and (e) [R-1], and specifically, the section, TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM (emphasis added):

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." Brown v. 3M, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02.< "**The identical invention must be shown in as complete detail as is contained in the ... claim.**" Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). **The elements must be arranged as required by the claim**, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

In view of the amendment to the Independent Claims and of the discussion hereinabove, Applicant has demonstrated the prior art of reference does not show the identical invention in as complete detail as is contained in each claim and does not disclose the elements arranged as required by each claim. Accordingly, the Prezioso reference does not anticipate each claim.

Applicant respectfully requests that the Examiner withdraw the rejection of Claims 31-46 under 35 U.S.C. 102(b).

4. It should be appreciated that Applicant has elected to amend the Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response.

Respectfully Submitted,

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